

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

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: **Chapter 11 Case No.**
: **08-13555 (JMP)**
: **(Jointly Administered)**
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In re
LEHMAN BROTHERS HOLDINGS INC., et al.,
Debtors.

**ORDER DENYING SUNCAL APPELLANTS' MOTION FOR
STAY PENDING APPEAL OF (I) ORDER APPROVING DEBTORS'
MOTION FOR AUTHORITY TO COMPROMISE CONTROVERSY IN
CONNECTION WITH A REPURCHASE TRANSACTION WITH FENWAY
CAPITAL, LLC AND A COMMERCIAL PAPER PROGRAM WITH FENWAY
FUNDING, LLC, AND (II) ORDER DENYING MOTION OF THE SUNCAL
DEBTORS FOR AN ORDER DETERMINING THAT THE AUTOMATIC STAY
DOES NOT APPLY; OR, IN THE ALTERNATIVE, GRANTING RELIEF FROM STAY**

Upon the motion dated May 27, 2010 [Docket No. 9327] and the memorandum of law in support of the motion [Docket No. 9329] (together, the "Motion") of the SunCal Appellants¹ pursuant to Rule 8005 of the Federal Rules of Bankruptcy Procedure for a stay pending appeal of (i) the *Order Approving Debtors' Motion Pursuant to Bankruptcy Rule 9019 For Authority to Compromise Controversy in Connection With a Repurchase Transaction With Fenway Capital, LLC and a Commercial Paper Program With Fenway Funding, LLC* [Docket No. 9030], and (ii) the *Order Denying Motion of the SunCal Debtors For an Order Determining That the Automatic Stay Does not Apply; or, in the Alternative, Granting Relief From Stay* [Docket No. 9059]; and upon the Debtors' response (the "Response") to the Motion, dated June 4, 2010 [Docket No. 9428]; and upon the joinder of the official committee of unsecured creditors appointed in these cases to the Debtors' Response, dated June 5, 2010 [Docket No. 9435]; and

¹ Capitalized terms used but not defined herein shall have the meanings ascribed to them in the Motion.

upon the reply of the SunCal Appellants in support of the Motion, dated June 10, 2010 [Docket No. 9499]; and the Court having jurisdiction to consider the Motion and the relief requested therein in accordance with 28 U.S.C. §§ 157 and 1334 and the Standing Order M-61 Referring to Bankruptcy Judges for the Southern District of New York Any and All Proceedings Under Title 11, dated July 10, 1984 (Ward, Acting C.J.); and due and proper notice having been provided; and a hearing having been held on June 16, 2010 (the “Hearing”) to consider the relief requested in the Motion; it is hereby

ORDERED that, for the reasons stated by the Court on the record of the Hearing, the Motion is denied.

Dated: New York, New York
June 16, 2010

s/ James M. Peck
UNITED STATES BANKRUPTCY JUDGE